

ASSEMBLY BILL

No. 253

Introduced by Assembly Member Eng

February 5, 2007

An act to amend Sections 2002, 2004, 2012, 2013, 2015, 2017, and 2018 of, to repeal Sections 2003 and 2005 of, and to repeal and add Section 2008 of, the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 253, as introduced, Eng. Medical Board of California.

The Medical Practice Act provides for the licensing and regulation of physicians and surgeons by the Medical Board of California. Existing law establishes a Division of Licensing and a Division of Medical Quality, each consisting of specified members of the board, with each division having certain responsibilities.

This bill would abolish the 2 divisions of the board. and instead provide for the board as a whole to handle the responsibilities of the divisions. The bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2002 of the Business and Professions
- 2 Code is amended to read:
- 3 2002. Unless otherwise expressly provided, the term “board”
- 4 as used in this chapter means the Medical Board of California. As
- 5 used in this chapter or any other provision of law, “Division of

1 *Medical Quality*” and “*Division of Licensing*” shall be deemed
2 to refer to the board.

3 SEC. 2. Section 2003 of the Business and Professions Code is
4 repealed.

5 ~~2003. The board shall consist of the following two divisions:~~
6 ~~a Division of Medical Quality, and a Division of Licensing. This~~
7 ~~section shall become operative on July 1, 1994.~~

8 SEC. 3. Section 2004 of the Business and Professions Code is
9 amended to read:

10 2004. ~~The Division of Medical Quality~~ board shall have the
11 responsibility for the following:

12 (a) The enforcement of the disciplinary and criminal provisions
13 of the Medical Practice Act.

14 (b) The administration and hearing of disciplinary actions.

15 (c) Carrying out disciplinary actions appropriate to findings
16 made by a ~~medical quality review committee, the division, panel~~
17 or an administrative law judge.

18 (d) Suspending, revoking, or otherwise limiting certificates after
19 the conclusion of disciplinary actions.

20 (e) Reviewing the quality of medical practice carried out by
21 physician and surgeon certificate holders under the jurisdiction of
22 the board.

23 (f) *Approving undergraduate and graduate medical education*
24 *programs.*

25 (g) *Approving clinical clerkship and special programs and*
26 *hospitals for the programs in subdivision (f).*

27 (h) *Issuing licenses and certificates under the board’s*
28 *jurisdiction.*

29 (i) *Administering the board’s continuing medical education*
30 *program.*

31 SEC. 4. Section 2005 of the Business and Professions Code is
32 repealed.

33 ~~2005. The Division of Licensing shall have the responsibility~~
34 ~~for the following:~~

35 ~~(a) Approving undergraduate and graduate medical education~~
36 ~~programs.~~

37 ~~(b) Approving clinical clerkship and special programs and~~
38 ~~hospitals for such programs.~~

39 ~~(c) Developing and administering the physician’s and surgeon’s~~
40 ~~licensure examination.~~

1 ~~(d) Issuing licenses and certificates under the board's~~
2 ~~jurisdiction.~~

3 ~~(e) Administering the board's continuing medical education~~
4 ~~program.~~

5 ~~(f) Administering the student loan program.~~

6 SEC. 5. Section 2008 of the Business and Professions Code is
7 repealed.

8 ~~2008. The Division of Medical Quality shall consist of 14~~
9 ~~members of the board, six of whom shall be public members. The~~
10 ~~Division of Licensing shall consist of seven members, three of~~
11 ~~whom shall be public members.~~

12 ~~Each member appointed to the board shall be assigned by the~~
13 ~~Governor to a specific division, except that, commencing July 1,~~
14 ~~1994, those members of the board who prior to July 1, 1994, were~~
15 ~~assigned to the Division of Allied Health Professions shall be~~
16 ~~members of the Division of Medical Quality.~~

17 SEC. 6. Section 2008 is added to the Business and Professions
18 Code, to read:

19 2008. The board may appoint panels from its members for the
20 purpose of fulfilling the obligations established in subdivision (c)
21 of Section 2004. Any panel appointed under this section shall
22 consist of seven members and shall have a minimum of three public
23 members. The president of the board shall not be a member of a
24 panel. Each panel shall annually elect a chair and a vice chair.

25 SEC. 7. Section 2012 of the Business and Professions Code is
26 amended to read:

27 ~~2012. Each division of the~~ *The* board shall elect a president, a
28 vice president, and a secretary from its members. ~~The board may~~
29 ~~also elect a president, vice president, and secretary.~~

30 SEC. 8. Section 2013 of the Business and Professions Code is
31 amended to read:

32 2013. (a) The board and ~~each division~~ *a panel appointed under*
33 *this chapter* may convene from time to time as deemed necessary
34 by the board ~~or a division.~~

35 (b) ~~Eight members of the Division of Medical Quality, and four~~
36 ~~members of the Division of Licensing, shall constitute a quorum~~
37 ~~for the transaction of business at any division meeting. Four~~
38 ~~members of a panel of the Division of Medical Quality board shall~~
39 ~~constitute a quorum for the transaction of business at any meeting~~

1 of the panel. Eleven members shall constitute a quorum for the
2 transaction of business at any board meeting.

3 (c) It shall require the affirmative vote of a majority of those
4 members present at a ~~division, panel, or board~~ *or panel* meeting,
5 those members constituting at least a quorum, to pass any motion,
6 resolution, or measure. A decision by a ~~panel of the Division of~~
7 ~~Medical Quality~~ to discipline a physician and surgeon shall require
8 an affirmative vote, at a meeting or by mail, of a majority of the
9 members of that panel; except that a decision to revoke the
10 certificate of a physician and surgeon shall require the affirmative
11 vote of four members of that panel.

12 SEC. 9. Section 2015 of the Business and Professions Code is
13 amended to read:

14 2015. The president of the board ~~and each division~~ may call
15 meetings of any duly appointed and created committee *or panel*
16 of the board ~~or division~~ at a specified time and place.

17 SEC. 10. Section 2017 of the Business and Professions Code
18 is amended to read:

19 2017. The board and each ~~division~~ *committee or panel* shall
20 keep an official record of all their proceedings.

21 SEC. 11. Section 2018 of the Business and Professions Code
22 is amended to read:

23 2018. ~~Each division of the~~ *The* board may, ~~within its~~
24 ~~jurisdiction~~, adopt, amend, or repeal, in accordance with the
25 provisions of the Administrative Procedure Act, ~~such those~~
26 regulations as may be necessary to enable it to carry into effect
27 the provisions of law relating to the practice of medicine.